UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,586	12/22/1999	STERLING MICHAEL PEARSON	19433-0100	5130

7590 09/30/2003

JOHN R HARRIS ESQ
JONES & ASKEW LLP
2400 MONARCH TOWER
3424 PEACHTREE ROAD N E
ATLANTA, GA 30326

EXAMINER	
NALVEN, ANDREW L	
ART UNIT	PAPER NUMBER
2134	5

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 09/469,586	**Applicant(s)** PEARSON, STERLING MICHAEL	
	Examiner Andrew Nalven	**Art Unit** 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 1999* .

2a)□ This action is **FINAL**. 2b)☒ This action is non-final.

3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)□ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)□ Claim(s) _____ is/are objected to.

8)□ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)□ The specification is objected to by the Examiner.

10)□ The drawing(s) filed on _____ is/are: a)□ accepted or b)□ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)□ The proposed drawing correction filed on _____ is: a)□ approved b)□ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)□ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)□ All b)□ Some * c)□ None of:

1.□ Certified copies of the priority documents have been received.

2.□ Certified copies of the priority documents have been received in Application No. _____ .

3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) □ The translation of the foreign language provisional application has been received.

15)□ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) □ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3,4* .
4) □ Interview Summary (PTO-413) Paper No(s). _____ .
5) □ Notice of Informal Patent Application (PTO-152)
6) □ Other: .

DETAILED ACTION

1. Claims 1-40 are pending.

2. The claim for priority based upon provisional application 60/166272 of 11/19/1999 has been acknowledged and accepted.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The designated claim lacks tangible output and utility.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Hamilton EP 0,793,170. Hamilton teaches a system for automatic configuration of a home computer.

Hamilton discloses the determination of a network address in the form of a phone number (column 3, lines 1-3). A wake-up signal is transmitted to a remote computer that includes the network address (column 2, lines 56-58 and column 3, lines 1-3) in the form of a request for configuration. The remote computer responds to the signal by transmitting configuration information to the communication device termed a home computer (column 3, lines 28-31).

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2 and 38-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Conklin et al US Patent No. 5,991,881. Conklin describes a network surveillance system.

8. With regards to claim 1, Conklin discloses a communication device that receives network communications and determines if a security risk is present (Column 3, lines 36-42 and Figure 4). The communication device transmits an alert signal to a remote center termed a network management system in the event of unauthorized activity (column 5, lines 47-61).

9. With regards to claim 2, Conklin discloses a determining step where the communication is compared to known security risks to determine if an attack is underway (column 5, lines 23-31).

10. With regards to claim 38, Conklin discloses a communication device receiving a communication and then comparison of the communication with a list of known attacks (column 4, lines 30-51). A determination is then made whether the communication matches a known attack and if so an alert is transmitted (column 4, lines 52-60).

11. With regards to claim 39, Conklin discloses the examination of header information and the comparison to entries in a table of known attacks (column 4, line 63 – column 5, line 5).

12. With regards to claim 40, Conklin discloses the determination of body information and the comparison with body information of known attacks ((column 4, lines 45-51). If a match is made with a known attack a packet is transmitted to the remote monitoring station to inform of the type of attack (column 4, lines 52-60).

13. Claims 30, 33-35, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Proctor US Patent No. 6,530,024. Proctor discloses a communication device and a remote monitoring center (Figure 1).

14. With regards to claim 30, the communication device receives communications (column 5, lines 38-44) and determines if there is a security risk (column 6, lines 57-58). An alert is sent to a remote monitoring center if a security risk exists (column 10, lines 37-39). Each alert is assigned a priority (column 10, lines 28-32), analyzed (column 11,

lines 49-53), and a resolution is sent to the communication device (column 12, lines 35-41).

15. With regards to claim 33, Proctor discloses the receiving of an alert signal at a remote monitoring center (column 12, lines 12-14) and the logging of information in the alert (column 12, lines 18-21). Proctor further discloses the assigning of an order preference in the form of a priority (column 10, lines 28-32), the forwarding of the alert to a remote agent to be analyzed and resolved (column 12, lines 28-41 and Figure 9).

16. With regards to claims 34 and 35, Proctor discloses the receiving of an attack packet (column 14, lines 20-22) and the assignment of a priority level and alert based upon the type (Figure 8). Subsequent events are collected (column 12, lines 39-41) and then the information is analyzed to determine the specific intrusion rule violated (column 12, lines 39-45).

17. With regards to claim 37, Proctor discloses a receiver where alerts are received (column 14, lines 46-47), a recorder where alert information is logged (column 14, lines 27-31), a prioritizer where priority is assigned to the alert (column 10, lines 27-31), a transmitter for forwarding alerts (column 17, lines 53-56), and a remote agent to analyze and resolve attacks (column 14, lines 46-57).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

> invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin et al US Patent No. 5,991,881 in view of Proctor US Patent No. 6,530,024. Conklin describes a network surveillance system as previously mentioned.

19. With regards to claims 3 and 5, Conklin lacks a reference to the classification of communications as either high or low priority. Proctor discloses that system administrators can define a priority of high, medium, or low for specific network activity (column 10, lines 28-32 and Figure 8). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Proctor's method of prioritizing security events because it would allow different reporting measures to take place or different response measures to take place based upon the severity of a security breach.

20. With regards to claim 4, Conklin discloses that communication can be terminated due to an attack by disconnecting a system from the network (column 6, lines 34-42). Conklin lacks a reference to utilizing the priority of an event to determine if communication should be terminated. Proctor discloses the classification of the priority of events as previously described. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the priority classification scheme of Proctor with Conklin's security response scheme because it would help provide appropriate responses to security breaches (column 6, lines 40).

21. With regards to claim 6, Conklin lacks a reference to the forwarding of an alert signal based upon the priority of the alert. Proctor discloses that the administrator can

specify how they should be notified for individual alarm types (column 10, lines 37-39) and that an administrator can specify the priority of an event as previously mentioned. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine Proctor's priority and notification specifications with Conklin's surveillance system because timely notification of events improves the administrator's ability to effectively react to intrusion incidents (Conklin, column 7, lines 5-7).

22. With regards to claim 7, Conklin lacks a reference to finding a resolution to the alert signal and contacting the user of the communication device with the resolution. Proctor discloses the determination of a resolution (column 14, lines 46-52) and the notification sent to the communication device (column 14, lines 57-63). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Proctor's resolution and response scheme because the resolutions create an adaptive system that can change according to network conditions (column 2, lines 51-56).

23. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton EPO Patent 0,793,170 in view of Proctor US Patent No. 6,530,024. Hamilton describes a method for remote configuration as previously mentioned. Hamilton lacks a reference to the activation of a device and the implementation of security policies. Proctor teaches that a communication device is updated such that new security policies are implemented in order to identify security risks (column 2, lines 61-67 and column 3, lines 1-3). At the time the invention was made, it would have been obvious to a person

of ordinary skill in the art to combine Hamilton's update procedures with Proctor's updating of security policies because it would provide a method of implementing security based on the actual needs tailored to specific circumstances (Proctor, column 3, lines 30-36).

24. Claims 10, 18, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton EPO Patent 0,793,170 in view of Conklin et al US Patent No. 5,991,881.

25. With regards to claim 10, Hamilton discloses a wake-up signal comprised of a network address in the form of a telephone number and a unique identification number (column 3, lines 1-3) that is received by a remote computer (column 3, lines 4). The identification number and the network address in the form of a phone number are stored in the remote computer's database (column 3, lines 12-14). Hamilton lacks a reference to the transmission of identification information by way of an encrypted channel. Conklin teaches that all message data to be sent to a remote system can be transmitted by way of a DES encrypted channel (column 6, lines 15-19). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Conklin's encrypted channel because it would prevent an unauthorized party from intercepting messages and gaining client information.

26. With regards to claim 18, Hamilton discloses the transmission of an identification number and network address to a remote computer where it is stored in a database (column 5, lines 37-42). Hamilton further discloses the receiving of a request to

configure the communications device in the form of a second identification number (column 3, lines 4-8). The second identification number is matched to a stored first identification number in the database (column 7, lines 35-44) and in response configuration information is transmitted to the communications device (column 8, lines 8-14). Hamilton lacks the transmission of the first identification number and network address via an encrypted channel. Conklin teaches the use of an encrypted channel as previously mentioned. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Conklin's encrypted channel to prevent the interception of client specific information that would allow an unauthorized user access to configuration information and updates.

27. With regards to claim 32, Hamilton discloses a computer that includes a processor (column 4, lines 16) that determines the network address in the form of a telephone number (column 2 line 56 – column 3 line 3) and sends a wake-up signal through a transmitter (column 2 line 56 – column 3 line 3). He further discloses a receiver that receives communications (column 4, lines 12-15). Hamilton lacks a reference to determining if the communication comprises a security risk and subsequently alerting a remote monitoring center. Conklin discloses that communications are analyzed to determine if a security risk is present and an alert signal is sent a remote monitoring station if a risk is present (column 5, lines 47-60). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Conklin's risk determination and subsequent reporting scheme

because the timely notification of intrusions improves the likelihood of a quick resolution (column 7, lines 5-7).

28. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton EPO Patent 0,793,170 and Conklin et al US Patent No. 5,991,881 as applied to claim 10 above, and further in view of Frailong et al US Patent No. 6,012,100. Hamilton and Conklin describe a remote configuration and network security system as previously described. They lack a reference to diagnostic variables being used to ensure proper operation of the communication device. Frailong discloses the sending of diagnostic variables and the determination if a system is functioning properly based on those variables (column 11, lines 1-7). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Frailong's diagnostic system because action can then be taken to remedy the problem without user intervention (column 11, lines 4-7).

29. Claims 12-16, 19-21, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton EPO Patent 0,793,170 and Conklin et al US Patent No. 5,991,881 as applied to claims 8 and 10 above, and further in view of Proctor US Patent No. 6,530,024. Hamilton and Conklin describe a remote configuration and network security system as previously described.

30. With regards to claim 12, Hamilton and Conklin lack the transmission to and storage of status information on a remote computer. Proctor teaches that status

information is stored on a remote computer (column 6, lines 41-43) and is collected at the remote computer at specific times (column 6, lines 49-52). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Proctor's transmission to and storage of status information at the remote computer because it would allow the data to be analyzed to look for patterns and to ensure that no occurrences have exceeded a predefined limit (Proctor, column 6, lines 53-65).

31. With regards to claim 13, Hamilton discloses the transmission of a software patch to a home computer (column 3, lines 32-36). Hamilton and Conklin lack a reference to determining whether a software patch is needed based on status information. Proctor teaches that after analyzing status information, a determination is made as to whether changes need to be made (column 6, line 66 – column 7, line 14). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Proctor's determination method because it would allow the implementation of a flexible security policy (Proctor, column 7, lines 12-26).

32. With regards to claim 14, Hamilton and Conklin teach the downloading of a software patch in response to the determination that one is needed and the transmission of software in response to receiving configuration information as previously described.

33. With regards to claim 15, Hamilton and Conklin teach the use of an encrypted communications channel as previously described. They lack a reference to the encrypted channel being used to send software patches. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize the

encrypted channel to send software patches because it would prevent the interception of the patches and thus prevent an attacker from learning the details of a network's security policies.

34. With regards to claims 19-21, Hamilton and Conklin disclose the validation of the second identification number by comparing it with a first identification number in the database (column 7, lines 35-44). Hamilton and Conklin lack a reference to receiving a control input in response to the validation, to the displaying of a plurality of configuration options and to receiving control input selecting one of the options. Proctor teaches a control input that allows an administrator to make changes to a security configuration (column 8, lines 1-15 and Figure 4) by displaying configuration options and receiving control input selecting one of the options (column 8, lines 1-15 and Figure 4). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine Hamilton's validation of identification numbers with Proctor's control input because it would allow the administrator a choice in determining the type of update to receive from the configuration server.

35. With regards to claim 26, Hamilton and Conklin lack a reference to the determination if an option comprises a request to modify the configuration of a communications device. Proctor teaches a control input system for modifying configuration information as previously mentioned. The system determines if an option comprises a request to modify the configuration where a click of the "save" button would enact a change and a click of "cancel" would not (Figure 7). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include

Proctor's system for determining if an option comprises a request to modify the configuration because if no changes are requested there is no need to send a configuration request or to download a software patch.

36. With regards to claim 27, Hamilton and Conklin lack a reference to modifying the configuration in response to a selected option. Proctor teaches a method for making changes to the configuration as previously mentioned. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine Proctor's system of selecting options with Hamilton and Conklin's system because it would allow the downloading of specific administrator selected configuration updates.

37. With regards to claim 28, Hamilton and Conklin teach the transmission of configuration information (Hamilton, column 3, lines 28-31) over an encrypted channel (Conklin, column 6, lines 15-19) as previously mentioned. Hamilton and Conklin lack a reference to the transmitted configuration information being comprised of security policy information. Proctor teaches the modification of security policy information and the subsequent update after modification (column 12 lines 35-37). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to transmit Proctor's updated security policy information over an encrypted channel because it would prevent unauthorized users from intercepting and learning the security policies of a network and would allow a distributed network to have security updates that are tailored to specific needs (Proctor, column 3, lines 30-36).

38. With regards to claim 29, Hamilton teaches that the communication device notifies the user that it is active by establishing a connection (column 8, lines 12-14).

39. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton EPO 0,793,170, Conklin et al US Patent No. 5,991,881, and Proctor US Patent No. 6,530,024 as applied to claim 15 above, and further in view of Fiske US Patent No. 6,324,692. The combination of Hamilton, Conklin, and Proctor as previously described lacks a reference to a configuration complete signal being sent from the communication device to the remote computer. Fiske teaches a complete signal that indicates that an upgrade has occurred successfully (column 5, lines 15-27). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize a complete signal because once the signal is received control or operation may be returned to the communications device (column 5, lines 27-29).

40. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton EPO Patent 0,793,170, Conklin et al US Patent No. 5,991,881, Proctor US Patent No. 6,530,024, and Fiske US Patent No. 6,324,692 as applied to claim 16 above, and further in view of Gleichauf US Patent No. 6,301,668. The combination of Hamilton, Conklin, and Proctor as described above lack a reference to a vulnerability analysis and a response to the analysis. Gleichauf teaches a system to perform a vulnerability analysis on a communications device (column 7, lines 41-59). If the analysis fails in that it finds vulnerabilities a request is made for modified configuration information (column 7, lines 21-25). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Gleichauf's vulnerability

analysis system because it allows the identification and confirmation of network vulnerabilities before an attack (column 5 line 62 – column 6 line 4).

41. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton EPO Patent 0,793,170, Conklin et al US Patent No. 5,991,881, and Proctor US Patent No. 6,530,024 as applied to claim 21 above, and further in view of Kenner et al US Patent No. 5,956,716. The combination of Hamilton, Conklin, and Proctor as described above lack a reference to a billing parameter being received by the communication device. Kenner teaches a subscription based content delivery system where a configuration process is enacted to set up an account. Kenner discloses configuration information that includes a link to a billing parameter that corresponds to the user being transmitted to the communication device (column 21, lines 36-46). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Kenner's billing parameter linkage because it gives the user future access to billing parameters in order to make changes as necessary (column 33, lines 48-50).

42. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton EPO Patent 0,793,170, Conklin et al US Patent No. 5,991,881, Proctor US Patent No. 6,530,024, and Kenner et al US Patent No. 5,956,716 as applied to claim 22 above, and further in view of Li et al WO 98/26548.

43. With regards to claim 23, the combination of Hamilton, Conklin, Proctor, and Kenner teach the transmission of initiation information including a download queue

(Hamilton, column 3, lines 28-31) and activation code (Conklin, column 4, lines 13-16) using an encrypted channel as previously described. They lack a reference to the transmission of the correct time. Li teaches a system for automatic configuration for an Internet access device. Li discloses that during configuration the current time is sent to the communications device. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Li's transmission of the correct time because it allows time services to be automatically configured by the examination of the received time (Li, Page 20, lines 7-10).

44. With regards to claim 24, Hamilton teaches the signaling of the activity of the communication device by way of making a connection to the remote computer (column 8, lines 12-14).

45. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton EPO 0,793,170, Conklin et al US Patent No. 5,991,881, Proctor US Patent No. 6,530,024, Kenner et al US Patent No. 5,956,716 and Li et al WO 98/26548 as applied to claim 24 above, and further in view of Gleichauf et al US Patent No. 6,301,668. The combination of Hamilton, Conklin, Proctor, Kenner, and Li as described above lack a reference to a vulnerability analysis and a response to the analysis. Gleichauf teaches a system to perform a vulnerability analysis on a communications device (column 7, lines 41-59). If the analysis fails in that it finds vulnerabilities a request is made for modified configuration information (column 7, lines 21-25). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize

Gleichauf's vulnerability analysis system because it allows the identification and confirmation of network vulnerabilities before an attack (column 5 line 62 – column 6 line 4).

46. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton EPO Patent 0,793,170 in view of Proctor US Patent No. 6,530,024, Kenner et al US Patent No. 5,956,716, Gleichauf et al US Patent No. 6,301,668, and . Hamilton teaches a system for automatic configuration of a home computer. Hamilton discloses the determination of a network address in the form of a phone number (column 3, lines 1-3). A wake-up signal is transmitted to a remote computer that includes the network address (column 2, lines 56-58 and column 3, lines 1-3) in the form of a request for configuration. The remote computer responds to the signal by transmitting configuration information to the communication device termed a home computer (column 3, lines 28-31). Hamilton lacks a reference to the activation of a device and the implementation of security policies, communication information including a billing parameter, performing a vulnerability analysis, and the determination, and resolution of a security risk. Proctor teaches that a communication device is updated such that new security policies are implemented in order to identify security risks (column 2, lines 61-67 and column 3, lines 1-3). Proctor further teaches that the communication device receives communications (column 5, lines 38-44) and determines if there is a security risk (column 6, lines 57-58). An alert is sent to a remote monitoring center if a security risk exists (column 10, lines 37-39). Each alert is assigned a priority (column 10, lines 28-

32), analyzed (column 11, lines 49-53), and a resolution is sent to the communication device (column 12, lines 35-41). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine Hamilton's update procedures with Proctor's updating of security policies because it would provide a method of implementing security based on the actual needs tailored to specific circumstances (Proctor, column 3, lines 30-36). Further, it would have been obvious to one of ordinary skill in the art to utilize Proctor's risk determination and response scheme because it allows a quick resolution to a security problem by allowing notification to go along with automatic action (column 12, lines 12-41). Kenner discloses configuration information that includes a link to a billing parameter that corresponds to the user being transmitted to the communication device (column 21, lines 36-46). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Kenner's billing parameter linkage because it gives the user future access to billing parameters in order to make changes as necessary (column 33, lines 48-50). Gleichauf teaches a system to perform a vulnerability analysis on a communications device (column 7, lines 41-59). If the analysis fails in that it finds vulnerabilities a request is made for modified configuration information (column 7, lines 21-25). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Gleichauf's vulnerability analysis system because it allows the identification and confirmation of network vulnerabilities before an attack (column 5 line 62 – column 6 line 4).

47. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Proctor US Patent No. 6,530,024. Proctor discloses an adaptive feedback security system and method as previously described. Proctor lacks a reference wherein the logging of alerts is made into a plurality of databases based on the priority. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to store alerts based upon priority because alerts stored in the high priority database could then easily be accessed first for quick resolution. However, the examiner notes that it is well known in the art that a database could be queried to form tables that could separate alerts based upon their priority.

Conclusion

48. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

49. Any inquiry regarding this communication from the examiner should be directed to Andrew Nalven at (703) 305-8407 during the hours of 7:15 AM – 4:45 PM Monday through Thursday. The examiner can also be reached on alternate Fridays.

In the event that attempts to reach the examiner are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308 – 4789.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306 (for formal communications intended for entry)

Or:

(703) 872-9306 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA 22202, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Matthew B. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2134